

RemarksRejections of Claims 1-2 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(e) as unpatentable over United States patent number 5,915,158, issued to Minagawa et al (hereinafter referred to as Minagawa). The Applicant has amended claim 1 to overcome the Examiners rejections.

In rejecting claim 1 the Examiner has relied upon teachings included in column 10, lines 49-67 and column 11, lines 1-26 of Minagawa. Minagawa, at column 11, lines 8-13, states that “[w]ith the reverse rotation of the motor 50, the discharge driving roller 32a is stopped by the one-way clutch 52, but the transport driving means 23 is driven in the reverse direction to send back the document Dn+1 left in the image scanning station RX toward the scanning reference point PX.” The Examiner contends, on page 3 of the office action, that Minagawa teaches in this section that “[t]he process of bring[ing] the document to a stop inherently includes decelerating and coming to a complete stop, even if the deceleration is for a short period of time.”

The applicant has amended claim 1 to include the limitations of “ ***measuring first reflected light*** from a first section of the object that moves past an optical sensor ***during decelerating the object***”. (emphasis added) The sections of Minagawa cited by the Examiner do not teach or suggest this limitation either explicitly or inherently. According to MPEP section 2131, “A claim is ***anticipated only if each and every element*** as set forth in the claim ***is found, either expressly or inherently described***, in a single prior art reference” (emphasis added) Because Minagawa does not teach or suggest this limitation, Minagawa does not anticipate the amended claim 1. Claim 2 incorporates the limitations of claim 1 by reference. Therefore, Minagawa does not anticipate claim 2. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. § 102(e).

Objections to Claims 3-12

In the parent case, the Examiner has objected to claims 3-12 as dependent upon rejected claims but has indicated that these claims would be allowable if rewritten to include the limitations of claims 1-2. The Applicant respectfully requests that a final

decision on these claims is held in abeyance until a decision is reached on the allowability of claims 1 and 2.

Conclusions

The Applicant respectfully submits that the amendment to claim 1 has placed the application in a condition for allowance. Such action is respectfully requested.

Respectfully submitted,
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October 22, 2003
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Case: 10990268-3
Preliminary Amendment